

REMARKS

Claims 1 to 39, 44 to 51 and 53 are pending in this application. By the present amendment, the specification has been updated to reflect the status of the U.S. patent applications that the instant invention claims priority to.

CLAIM REJECTION UNDER 35 U.S.C. §102

The Office Action has rejected claims 1, 4, 6 to 10, 12, 14, 27, 28, 30, 33, 34, 44, 46 to 48 and 58 under 35 U.S.C. §102(b) as allegedly being anticipated by Muskin (U.S. 2,649,995) and claims 2, 3, 5, 14, 19, 44 and 45 under 35 U.S.C. §102(b) as allegedly being anticipated by McGill (WO 1994/013154 A2). Applicant respectfully disagrees.

The Claimed Invention

The invention, as defined by the claims, distinguishes over Muskin and McGill by claiming methods for the manufacture of a container containing liquid, the container having a flat or single-curved rear wall.

Applicant points out that the specification describes the terms "single-curved" and "double-curved" as follows (see paragraph [0009]):

"As used herein, the expression "single-curved" shall be understood as any form of a plane or surface obtainable from the same plane in flat form, without stretching or shrinking any part thereof in any direction within the plane, i.e. with maintained total surface for both the whole plane and any part thereof." In contrast, a "double-curved" plane or surface can only be obtained from a flat plane if deformed by stretching or shrinking."

Then, in the same paragraph, the specification describes examples of single-curved and double-curved surfaces as follows:

"As physical and non-limiting examples a cylinder surface or a corrugated surface are single-curved as they can be formed from a non-elastic sheet, e.g. paper sheet, by pure bending whereas the surface of a sphere or saddle cannot be so formed without stretching and accordingly are double-curved."

The specification also provides detailed examples of containers having flat or single-curved rear walls which are shown in the drawings at Figures 1A, 1B, 1C and 1G (see paragraph [0039] to [0045]). For example, in Fig. 1A, the container 110 is described as having a deformable rear wall 118, which is formed from an originally flat sheet material, here shown with discontinuous curvature in the form of a number of folds 119, i.e. corrugated, running perpendicular to the Figure plane (see paragraph [0039]).

In Fig. 1B, the container **120** is described as having rear wall **118** with a continuous curvature part **119**, which can be formed from a flat sheet material if the curvature is constant normal to the Figure plane, as for a cylinder mantle surface (see paragraph [0040]).

In Fig. 1C, the container **130** is described as having a rear wall **138** which is formed from a single-curved material continuously curved to adapt to the cylindrical inner surface of the front wall **131** (see paragraph [0041]).

In Fig. 1G, the container **170** is described as having a rear wall **178** which is formed from a single-curved material continuously curved to adapt to the cylindrical outer surface of the front wall **171** (see paragraph [0044]).

Through these detailed descriptions and examples provided in the specification, the difference between a single-curved surface and a double-curved surface is clear: a single-curved surface is made from a non-elastic sheet by pure bending, e.g., a cylinder or corrugated surface; whereas a double-curved surface is made from an elastic sheet by stretching, e.g., a sphere or saddle.

Muskin (U.S. 2,649,995)

Muskin does not disclose any containers containing liquid or methods for their manufacture, which have a flat or single-curved rear wall as required by the instant claims. Instead, this patent discloses dispensing containers with displaceable bottoms which are "intended primarily for use with creams, such as shaving creams, toothpaste, or cold cream, and with salves, ointments and the like" (see, column 1, line 5 to line 8). Such containers are disclosed as having a bottom which is made of "soft or pliant material" which may be "deformed manually by a person using the container" and "can be displaced by stretching or bending, and that has no resilience, or not enough resilience to spring back to any consequential extent after being bent" (see, column 3, line 11 to line 19). Muskin does not disclose any containers containing liquid or methods for their manufacture, having a flat or single-curved rear wall as required by the instant claims. Therefore, the claimed invention is novel over the disclosure of this patent. Applicant respectfully requests reconsideration and removal of this rejection.

McGill (WO 1994/013154 A2)

McGill does not disclose any containers containing liquid or methods for their manufacture, which have a flat or single-curved rear wall as required by the instant claims. Instead, this publication discloses dispensing mechanisms and containers thereof, for dispensing food products such as ice cream or chilled confectionary products usually of the semi-solid form (see, Abstract and page 1, line 2 to line 5). These containers are disclosed as having a cone, pyramid or spherical shape and a top part, i.e., a rear wall, formed with a sheet material having undulations which deform to adopt the shape of the internal wall of the base part of the container

(see, page 3, line 9 to line 11 and line 32 to line 36). As such, the top part (rear wall), adopts a cone, pyramid or spherical shape and therefore, is double-curved. McGill does not disclose any containers containing liquid or methods for their manufacture, having a flat or single-curved rear wall as required by the instant claims.

Furthermore, McGill has the following International Patent Classification:

A23G 9/28 - cocoa; chocolate; confectionery; ice-cream for portioning or dispensing;

B65D 83/00 - containers for storage or transport of articles or materials, e.g. bags, barrels, bottles, boxes, cans, cartons, crates, drums, jars, tanks, hoppers, forwarding containers; accessories, closures, or fittings therefore; packaging elements; packages, containers or packages with special means for dispensing contents;

B65D 85/60 - containers for storage or transport of articles or materials, e.g. bags, barrels, bottles, boxes, cans, cartons, crates, drums, jars, tanks, hoppers, forwarding containers; accessories, closures, or fittings therefore; packaging elements; packages for sweets or like confectionery products;

A23G 3/02 - cocoa; chocolate; confectionery; ice-cream; apparatus specially adapted for manufacture or treatment of sweetmeats or confectionery; accessories therefore; and

A23G 9/02 - cocoa; chocolate; confectionery; ice-cream; mixtures for frozen sweets, e.g. ice-cream.

Thus, McGill discloses a different class of containers than the containers of the instant claims. Therefore, the claimed invention is novel over the disclosure of this publication. Applicant respectfully requests reconsideration and removal of this rejection.

CONCLUSION

Applicants believe all claims are now in condition for allowance. Should there be any issues that have not been addressed to the Examiner's satisfaction, Applicants invite the Examiner to contact the undersigned attorney.

Respectfully submitted,

Date: August 24, 2006

/Edward D. Robinson/
Edward D. Robinson
Attorney For Applicants
Registration No. 43,049

Agouron Pharmaceuticals, Inc./A Pfizer Company
Patent Department
10777 Science Center Drive
San Diego, California 92121
Phone: (858) 622-3119
Fax: (858) 678-8233